

Smiley, Debra L - C-4

From: Pierce, Kathy - KEC-4
Sent: Wednesday, June 18, 2003 3:34 PM
To: Smiley, Debra L - C-4
Subject: FW: FOIA Request #03-026

-----Original Message-----

From: Pierce, Kathy - KEC-4
Sent: Wednesday, June 11, 2003 4:37 PM
To: Smiley, Debra L - C-4
Subject: FOIA Request #03-026

Dear Mr. Peters:

This e-mail is being sent to you in response to your FOIA Request #03-026, which was received by BPA on May 5, 2003. You identified an e-mail response as one of your preferred methods for receiving a response to your request.

1. In response to your request to provide "all documents associated with the preparation for compliance with the National Environmental Policy Act (NEPA) in the SN-03 docket: BPA's Proposed Safety-Net Cost Recovery Adjustment Clause Adjustment to 2002 wholesale power rates," the following documents and website links are provided:

- Rate Hearing (7i) Files: <http://www.bpa.gov/Power/LP/sn03/index.shtml>

Other than the documents listed above, BPA has no other documents responsive to this request.

2. In response to your request to provide "the 'initial review' prepared by BPA and referenced in the Federal Register notice," this review consisted of BPA's NEPA staff reviewing the materials identified above and discussions among BPA's NEPA staff. BPA has prepared no documents responsive to your request other than the March 13, 2003 Federal Register Notice (link provided above).

3. In response to your request to provide "any determinations made pursuant to such review," BPA has not yet made any such determinations, and thus currently has no documents responsive to your request.

4. In response to your request to provide "any documentation of expectations that BPA may tier previous decisions under NEPA in this docket to the Business Plan Record of Decision, issued in June 1995," there have been no "previous decisions" made in this docket that have required NEPA compliance, and BPA thus has no documents responsive to your request other than the March 13, 2003 Federal Register Notice.

5. Regarding your request to provide "preparations for any public processes as required under NEPA associated with this docket," this request appears to be requesting only those NEPA public process materials specifically associated with the SN-03 docket. In response to this request, the following documents and website links are provided:

- March 13, 2003 Federal Register Notice: <http://www.bpa.gov/power/psp/rates/ratecases/sn03/SN-03-FR-01.pdf>
- BPA External Home Page: http://www.bpa.gov/corporate/kc/home/meeting_ext.cfm
- BPA Power Rates Announcement Webpage: <http://www.bpa.gov/power/psp/rates/announcements.shtml>
- BPA Environment, Fish, and Wildlife Business Plan Webpage: http://www.efw.bpa.gov/cgi-bin/PSA/NEPA/SUMMARIES/BP_EIS0183
- BPA Journal (May 2003 issue, page 4): <http://www.bpa.gov/corporate/kc/home/journal/>
- Draft Meeting Notes from BPA's May 20, 2003 NEPA Public Meeting



Draft NEPA Mtg
notes 5.20.03.d...

Other than the documents listed above, BPA has no other documents responsive to this request.

5. In response to your subsequent e-mail narrowing the scope of your request and making an additional request that we provide a list of the prior BPA Records of Decision, the following list is provided:

- Business Plan ROD (August 15, 1995)
- Power Subscription Strategy ROD (December 21, 1998)
- 2002 Final Power Rate Proposal Administrator's Record of Decision (May 2000)
- 2002 Supplemental Power Rate Proposal Administrator's Final Record of Decision (June 2001)

If you are dissatisfied with this determination, you may appeal within 30 days from the date you receive this letter to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. The appeal must be in writing and both the envelope and letter must be clearly marked "Freedom of Information Act Appeal."

In your email addendum to your FOIA request, you indicated a willingness to pay fees. We have determined that the research and review charges to process your FOIA request total \$291.71. An invoice for this amount will be sent under separate cover.

Regards,
Annie Eissler
Freedom of Information Act Officer